

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

KPM ANALYTICS NORTH AMERICA
CORPORATION,

Plaintiff,

v.

BLUE SUN SCIENTIFIC, LLC, THE
INNOVATIVE TECHNOLOGIES GROUP
& CO., LTD., ARNOLD EILERT,
MICHELLE GAJEWSKI, ROBERT
GAJEWSKI, RACHAEL GLENISTER,
GREGORY ISRAELSON, IRVIN LUCAS,
AND PHILIP OSSOWSKI,

Defendants.

Civil Action No. 4:21-CV-10572-LTS

**PLAINTIFF KPM ANALYTICS NORTH AMERICA CORPORATION’S ASSENTED
TO MOTION TO IMPOUND AND FOR LEAVE TO FILE DOCUMENTS UNDER SEAL
IN RESPONSE TO DEFENDANT THE INNOVATIVE TECHNOLOGIES
GROUP & CO., LTD’S MOTION FOR SUMMARY JUDGMENT**

Plaintiff KPM Analytics North America Corporation (“KPM”) respectfully requests that the Court grant leave to file under seal the information and documents containing confidential and highly confidential material that KPM intends to file on September 19, 2022 in support of its opposition to Defendant The Innovative Technologies Group & Co., Ltd.’s Motion For Summary Judgment and Request for Hearing (Doc. No. 144) and its Memorandum in Support thereof, (Doc. No. 145) (collectively the “Motion for Summary Judgment”). In support of this motion, KPM states as follows:

1. On August 19, 2022, Defendant The Innovative Technologies Group & Co., Ltd. filed its Motion for Summary Judgment under seal after receiving leave from Court to do so.

2. On September 19, 2022, when the response to the Motion for Summary Judgment is due, KPM intends to file an opposition that will include information and exhibits which contain information designated by the parties as Confidential and Highly Confidential – Attorneys’ Eyes Only pursuant to the Stipulated Protective Order entered in this case (Doc. No. 59).

3. The Stipulated Protective Order in this matter provides that “[w]ithout written permission from the Designating Party or a court order secured after appropriate notice to all interested persons, a Party may not file in the public record in this action any Protected Material but may file Protected Material under seal in accordance with the rules of the Court.” Protected Material includes material designated confidential and highly confidential.

4. No party has agreed to remove the confidential and highly confidential designations for the material and information that KPM intends to include and reference in its opposition.

5. KPM conferred with counsel for Defendants, who assented to the relief requested in this motion.

WHEREFORE, KPM respectfully requests that the Court allow KPM to file under seal its opposition and exhibits which contain confidential and highly confidential material in response to Defendant The Innovative Technologies Group & Co., Ltd.’s Motion For Summary Judgment and Request for Hearing.

KPM Analytics North America Corporation,

By its attorneys,

/s/ John T. Gutkoski

John T. Gutkoski (BBO No. 567182)
Cesari & McKenna LLP
One Liberty Square, Suite 310
Boston, MA 02109
Phone: (617) 951-2500
JTG@c-m.com

AND

Scott R. Magee (BBO No. 664067)
Paige Zacharakis (BBO No. 699108)
Morse, Barnes-Brown & Pendleton, P.C.
480 Totten Pond Road, 4th Floor
Waltham, MA 02451
Phone: (781) 622-5930
Fax: (781) 622-5933
smagee@morse.law
pzacharakis@morse.law

September 15, 2022

Certificate of Compliance with Local Rule 7.1

This hereby certifies that, on September 14, 2022, counsel for Plaintiff conferred with counsel for each of the Defendants, who assented to the relief requested in this motion.

/s/ Paige K. Zacharakis

Paige K. Zacharakis

Certificate of Service

This hereby certifies that on September 15, 2022, this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Paige K. Zacharakis

Paige K. Zacharakis